

EXHIBIT 5

Confidential - Per 2004 MDL 1358 Order

Page 1

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW JERSEY

- - -

IN RE:

Methyl Tertiary Butyl : MDL NO. 1358 (SAS)
Ether ("MTBE") :
Products Liability :
Litigation :

In Re:

City of New York

CONFIDENTIAL (Per 2004 MDL 1358 Order)

April 23, 2009

Videotaped Transcript of the
deposition of STEVEN SCHINDLER, called for
Oral Examination in the above-captioned
matter, said deposition taken pursuant to
Federal Court Rules, by and before DANA N.
SREBRENICK, a Federally-Approved Certified
Realtime and Certified Livenote Reporter, and
Notary Public for the State of New York, at
the offices of McDermott, Will & Emery, LLP,
340 Madison Avenue, New York, New York,
commencing at 10:00 a.m.

- - -

GOLKOW TECHNOLOGIES, INC.
877.370.3377 ph|917.591.5672 fax
deps@golkow.com

JOB NO. 14751

1 are turned on in Queens, how are -- have
2 directions been provided to anyone so that
3 there's an understanding as to what level of
4 treatment will be required so that the water
5 will be provided to customers with the same
6 quality as the Cat/Del water?

7 A. As I think I said earlier, it's
8 my understanding that the goal of the Station
9 6 project is to deliver water that's
10 comparable to Cat/Del quality. I'm not
11 familiar with a specific table related to
12 that project that shows that comparison.

13 Q. So you haven't seen a final
14 table that issues the exact water quality
15 parameters that will be used as the guidepost
16 for treating water from the groundwater in
17 Queens in future?

18 MR. PLACHE: Objection.

19 But you can answer.

20 A. I've seen tables to that
21 regard. I don't know if it's the final
22 table.

23 Q. So with regard to MTBE, do you
24 know what level to which MTBE will be treated

1 in the future so that it will be provided to
2 consumers at the City at the same level of
3 quality as the Cat/Del consumers receive?

4 MR. PLACHE: Objection.

5 You can answer.

6 A. Yeah, it's my understanding
7 that the goal is to achieve less than one
8 part per billion of MTBE.

9 Q. And as the Director of Drinking
10 Water Quality, is it your understanding that
11 consumers in the Cat/Del system receive water
12 with less than one part per billion --

13 A. Yes.

14 Q. -- of MTBE consistently?

15 A. Yes.

16 Q. And what do you base that?

17 A. I base that on the water
18 quality data that we generate on an annual
19 basis and that we report in our Annual Water
20 Quality Reports.

21 Q. Okay. We'll take a look at
22 some of those later this afternoon.

23 Do you know whether the cost --
24 on the second page of this exhibit, the plan